

SERVICE DATE – MARCH 23, 2015

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB 551 (Sub-No. 2X)**

**Knox & Kane Railroad Company – Abandonment Exemption –  
McKean County, PA**

**BACKGROUND**

In this proceeding, the Knox & Kane Railroad Company (“Knox & Kane”) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a 3.9-mile rail line in Mt. Jewett, McKean County, PA (the line). The line extends in a generally northeasterly direction from milepost 165.2 to milepost 169.1. A map depicting the line is appended to this Environmental Assessment (EA).

Knox & Kane indicates that the rail line does not contain federally granted right-of-way. If the notice becomes effective, Knox & Kane would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

Knox & Kane submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Knox & Kane served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board’s (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

Knox & Kane states that there has been no overhead or local traffic on the line for two years and there is no reasonable prospect for future use of the line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 551 (Sub-No. 2X).

diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The line right-of-way is approximately 66 feet in width. The line includes the Kinzua Bridge, a single-track steel box truss constructed on stone pillars. In its filing with the Board seeking abandonment authority, Knox & Kane states that, should the Board approve this abandonment, it has negotiated the sale of the line to Headwaters Charitable Trust to convert the line into a trail.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way.

Knox & Kane has not indicated if it plans to engage in any salvage operations following the proposed abandonment but does state that it does not own the 3.9 mile rail line. Rather, it has only operating rights over the line. Therefore, it is not clear whether Knox & Kane owns the track and track materials that would be salvaged. For purposes of this EA, OEA is assuming that, if granted abandonment authority, Knox & Kane would salvage the rail line but would leave the Kinzua Bridge intact to facilitate Headwaters Charitable Trust's conversion of the rail line to a trail.

The McKean County Planning Commission writes that it has no concerns regarding the proposed abandonment action.<sup>2</sup>

The Natural Resources Conservation Service states that it has reviewed the environmental and historic reports provided by the applicant and has no comment on the proposed abandonment.

The Military Surface Deployment and Distribution Command, Department of Army, states that the rail line proposed for abandonment has no strategic significance and therefore has no objection to the proposed abandonment action.

The National Geodetic Survey (NGS) commented that there are three geodetic station markers within the right-of-way of the proposed abandonment. OEA therefore requests that a condition be imposed that requires Knox & Kane to contact NGS prior to the onset of any salvage operations regarding impacts to any geodetic station markers. OEA is recommending that the Board impose a condition requiring Knox & Kane to contact NGS prior to initiating any salvage activities of the line.

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<sup>2</sup> The McKean County Planning Commission noted that the town of Mt. Jewett, PA is spelled incorrectly on pages 2 and 3 of the applicant's Historical Report.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

## **HISTORIC REVIEW**

Knox & Kane submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).

The rail line proposed for abandonment was constructed by the New York, Lake Erie and Western Railroad Company and includes the Kinzua Bridge. When it was first built in 1882, the iron bridge was the tallest bridge in the world. The bridge was part of a line that carried coal on the Pittsburgh and Western Railroad from mines in northwestern Pennsylvania. The iron structure was rebuilt with steel in 1900 to withstand increasingly heavier trains.

According to Knox & Kane, the bridge was retired from freight service in 1959 and purchased by Nick Kovalchick sometime thereafter for scrap. However, recognizing its historic importance, Kovalchick instead resold the bridge to the commonwealth of Pennsylvania in 1963 for public recreational use. Knox & Kane's historic report indicates that the bridge then became part of the Kinzua Bridge State Park, which opened in 1970. The bridge was photographed and preserved when it became part of the park.

Knox & Kane acquired the bridge in 1987 for passenger rail service, which operated until 2002 when the service ended due to structural deterioration of the bridge.<sup>3</sup> The following year, the bridge was badly damaged from a tornado. It was subsequently converted into a pedestrian trail.<sup>4</sup>

In an email dated March 20, 2015, the SHPO stated that "The Kinzua Viaduct, McKean County, PA was officially removed from the National Register of Historic Places on July 21, 2004 by the National Park Service, Department of the Interior, per our request as the SHPO, due to its loss of integrity (from the tornado damage)." SHPO further stated that the proposed abandonment would not have the potential to affect historic properties. OEA agrees with SHPO's opinion and concludes that there is no potential for adverse effect to historic sites and

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<sup>3</sup> Knox and Kane Railroad acquired the 3.9-mile segment including the bridge under ICC authorization in ICC Docket No. 31018.

<sup>4</sup> Photographs of the bridge are available on line at <http://www.dcnr.state.pa.us/stateparks/findapark/kinzuabridge/index.htm>.

structures from this abandonment.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.<sup>5</sup> The database identified the Seneca Nation of Indians, the Seneca tribe of Indians and the Tonawanda Band of Seneca tribes as having a possible interest in the project area. OEA is therefore providing these tribes with a copy of this EA for comment.

### **CONDITION**

We recommend that the following condition be imposed on any decision granting abandonment authority:

**The Knox & Kane Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trails use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as

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<sup>5</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 16, 2015).

trails (49 C.F.R. § 1152.29). Knox & Kane states that, if the Board approves this abandonment, it intends to convey the entire 3.9-mile line to the Headwaters Charitable Trust for trails use.

### **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Nadals, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 551 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [nadalsc@stb.dot.gov](mailto:nadalsc@stb.dot.gov).

Date made available to the public: March 23, 2015.

**Comment due date: April 7, 2015.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment